

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Claims 2-10, 12-26, 28-38, and 40-52 are currently pending in the present application, including independent claims 18, 45, and 46. Independent claim 45, for instance, is directed to an absorbent paper product for drying and conditioning the skin of a user. The paper product includes a paper web that is applied with an oil-in-water emulsified lotion such that the add-on level of the lotion is between about 1% to about 15% by weight of the paper product. The lotion comprises water in an amount between about 10% to about 75% by weight of the lotion; an emollient component in an amount between about 1% to about 15% by weight of the lotion; a fatty alcohol component in an amount between about 5% to about 40% by weight of the lotion; an emulsifier component in an amount between about 1% to about 30% by weight of the lotion; and a skin conditioning component in an amount between about 5% to about 50% by weight of the lotion. The skin conditioning component also includes glycerin in an amount between about 1% to about 10% of the lotion.

In the Office Action, independent claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,869,075 to Krzysik, et al. As agreed by the Examiner, Krzysik, et al. fails to disclose the weight range of components of the lotion composition of independent claim 45. For example, independent claim 45 requires a lotion having the following:

- i) water in an amount between *about 10% to about 75%*;
- ii) an emollient component in an amount between *about 1% to about 15%*;

- iii) a fatty alcohol component in an amount between *about 5% to about 40%*;
- iv) an emulsifier component in an amount between *about 1% to about 30%*;
and
- v) a skin conditioning component comprising between *about 5% to about 50%*, the skin conditioning component including glycerin in an amount between *about 1% to about 10%*.

Applicants emphasize that the teachings of the reference must be viewed in its entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). When viewed in its entirety, it is evident that Krzysik, et al. fails to disclose the combination of ingredients of the lotion in the concentrations claimed. For instance, claim 45 requires glycerin in an amount of between about 1% to about 10%. However, the Examples set forth in Krzysik, et al. use either glycerin or hydrogenated starch hydrolysate in amounts ranging from 15% to 38.9% by weight of the respective composition. (Cols 4-8, Examples 1-15). Claim 45 requires water in an amount of from about 10% to about 75%. However, none of the 15 examples of Krzysik utilize water in the claimed amount.

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In addition, claim 45 requires that the lotion contain an "oil-in-water emulsion" in which water is present in an amount of between about 10% to about 75%. As set forth in the Example, for instance, such an oil-in-water emulsion may be formed from a "water phase" and an "oil phase". (Appl. pg. 17). In the Example, the water phase is formed from water and glycerin, while the oil phase is formed from C₁₂-C₁₅ alkyl benzoate, cetearyl alcohol, caprylic/capric stearate triglyceride, steareth-2, steareth-20, stearamidopropyl PG-dimonium chloride phosphate and cetyl alcohol, dimethicone, methylparaben, panthenol (vitamin B-5), tocopheryl acetate (vitamin E), and small amounts of a preservative and fragrance. (Appl. pg. 18). However, the only examples

of Krzysik that appear to even be a "two phase" system are Examples 11-13. Notably, however, Examples 11-13 appear not to utilize a "water phase", nor glycerin in any phase. *

Applicants note that the distinctions discussed above are merely representative of the underlying failure of Krzysik, et al. to disclose the overall combination of components required by claim 45. Specifically, in determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. In this case, independent claim 45 is directed to a particular selection and concentration of ingredients to form a lotion that is applied to an absorbent paper product at a certain add-on level (e.g., between about 1% to about 10% by weight of the paper product). It is the overall combination of all of these aspects that results in the invention. Krzysik, et al. simply fails to teach such a combination. Thus, at least for the reasons set forth above, Applicants respectfully submit that independent claim 45 patentably defines over Krzysik, et al.

In the Office Action, Krzysik, et al. was also combined with various additional references in an attempt to render obvious independent claims 18 and 46. For example, U.S. Patent No. 5,948,416 to Wagner, et al. was cited as teaching a humectant such as glycerin. However, Wagner, et al. is directed to leave-on skin care compositions that are not applied to paper products. To the contrary, Krzysik, et al. describes a composition that is particularly designed to applied to a paper-based product (i.e., tissue product). In fact, the composition of Krzysik, et al. is resolidified on

the surface of the tissue product to inhibit migration of the components into the interior of the product. Skin care compositions, such as described in Wagner, et al. are clearly not faced with the difficulties of lotion migration and one of ordinary skill in the art would thus not have been motivated to combine such references in the manner suggested in the Office Action.

Nevertheless, even Wagner, et al. and Krzysik, et al. are combined in the manner suggested in the Office Action, Applicants still submit that the limitations of independent claims 18 and 46 as a whole would not have been obvious to one of ordinary skill in the art. Specifically, even if the composition taught in Krzysik, et al. were modified with Wagner, et al., one of ordinary skill in the art, when viewing the references in their entirety, would not have found it obvious to utilize the combination of all of the claimed ingredients in the claimed concentration ranges on a paper product at the claimed add-on level.

Besides Wagner, et al., various other references were also combined with Krzysik, et al. to achieve the limitations of the present claims. For instance, U.S. Patent No. 5,871,763 to Luu, et al. was cited as teaching the use of certain emollients. U.S. Patent No. 5,648,083 to Bliezner, et al. was cited as teaching the use of dimethicone as a skin care compound. Finally, U.S. Patent No. 5,716,692 to Warner, et al. was cited as teaching different types of paper and methods of treating paper. Nevertheless, even assuming that these references disclose such limitations, they fail to cure the defects discussed above. Accordingly, for at least this reasons, Applicants respectfully submit

that the present claims patentably define over the above-cited references, taken singularly or in any proper combination.

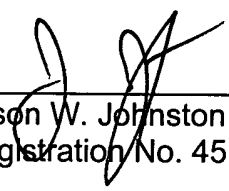
In addition, the above-cited references were also cited in various combinations to reject dependent claims 2-10, 12-17, 19-26, 28-38, 40-44, and 47-52. Applicants respectfully submit, however, that at least for the reasons indicated above relating to corresponding independent claims 18, 45, and 46, claims 2-10, 12-17, 19-26, 28-38, 40-44, and 47-52 patentably define over the references cited. However, Applicants also note that the patentability of dependent claims 2-10, 12-17, 19-26, 28-38, 40-44, and 47-52 does not necessarily hinge on the patentability of independent claims 18, 45, and 46. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 18, 45, and 46.

As such, for at least the reasons set forth above, Applicants respectfully submit that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Joynes is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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